



# Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



## 40th Meeting of the Standing Committee

Bonn, Germany, 7-8 November 2012

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UNEP/CMS/StC40/3/Rev.1

### ADOPTION OF THE RULES OF PROCEDURE

The Rules of Procedure were last amended at the 36<sup>th</sup> Meeting of the Standing Committee (Bonn, 2-3 December 2009). The Rules remain in force until such time as the Committee decides to revise them (Rule 35).

Recent examination of the current Rules of Procedure by the Secretariat and the consultant engaged to oversee the Strategic Plan brought to light a number of ambiguities, inconsistencies and omissions. The Committee might wish to address these.

Annexed to this document are (1) the existing Rules of Procedure from 2006; (2) a table explaining the ambiguities, inconsistencies and omissions in the current Rules of Procedure that have come to light together with proposed remedial action and (3) an annotated draft set of revised Rules.

#### *Action requested:*

That the Standing Committee establish a Working Group to review the Secretariat's analysis and proposals and to report back to the next meeting of the Committee with a revised set of Rules of Procedure for adoption.

## **RULES OF PROCEDURE**

*(These rules adopted by the Standing Committee at its 36<sup>th</sup> Meeting (Bonn, December 2009) will remain in force until such time as they are amended)*

### **General Functions**

#### **Rule 1**

The Committee provides general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Convention. It also provides guidance and advice on the preparation of agendas and other requirements of the meetings and on any other matters brought to it by the Secretariat in the exercise of its function.

#### **Rule 2**

It carries out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary.

#### **Rule 3**

It oversees, between the meetings of the Conference of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat.

#### **Rule 4**

It represents the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, UNEP and other international organizations for consideration of matters relating to the Convention and its Secretariat.

#### **Rule 5**

It makes recommendations or draft resolutions, as appropriate, for consideration by the Conference of the Parties.

### **Representation and Attendance**

#### **Rule 6**

The Committee shall consist of no more than twelve Parties, who shall be nominated by the Conference of the Parties. The membership of the Committee shall consist of three Parties elected from Europe and three from Africa, two from Asia, two from South and Central America and the Caribbean and one each from North America and Oceania, as well as the Depositary Government and, if appropriate, the host Parties of the previous and next meetings of the Conference of the Parties. Furthermore, Alternate Members shall similarly be nominated by the Conference of the Parties to

attend meetings of the Committee as the regional member in the absence of the member of the region to which it belongs.

#### Rule 7

Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. The Representative shall exercise the voting rights of a Member. In his absence, the Alternate Representative shall act in his or her place.

#### Rule 8

If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting.

#### Rule 9

Each meeting of the Conference of the Parties shall elect twelve regional representatives to serve as alternative members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are the alternate member.

The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the Conference of the Parties following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.

#### Rule 10

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote. The Chairperson of the Scientific Council shall have the right to participate in meetings of the Committee as an observer without the right to vote.

#### Rule 11

The Chairperson may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote.

### **Officers**

#### Rule 12

The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after the meeting of the Conference of the Parties.

### Rule 13

The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat and maintain liaison with other committees and with the Scientific Council between meetings of the Committee. The Chairperson may represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.

### Rule 14

The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson.

### Rule 15

The Secretariat of the Convention shall provide a secretary for meetings of the Committee.

### Rule 16

The Committee may establish sub-committees and inter-sessional working groups to progress its business. Elections of officers of, and any votes taken at such sub-committees and working groups should be conducted in accordance with these Rules of Procedure.

## **Elections**

### Rule 17

If in an election to fill one place no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes.

If in the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.

### Rule 18

If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.

### Rule 19

In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the presiding officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 16.

## **Meetings**

### Rule 20

The Committee shall normally meet at least once every year.

### Rule 21

Meetings of the Committee shall be called at the request of the Chairperson or at least three members.

### Rule 22

The time and place of meetings shall be determined by the Chairperson, in consultation with the Secretariat.

### Rule 23

Notice of meetings to all Parties including the time and venue, shall be given by the Secretariat at least 45 days and, in the case of emergency meetings, at least 14 days in advance of the meeting.

### Rule 24

A quorum for a meeting shall consist of four members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.

### Rule 25

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members.

### Rule 26

Decisions of the Committee by voting (pursuant to Rule 24) shall be taken by a simple majority of the members present. In the case of a tie, the motion shall be considered as rejected.

### Rule 27

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties.

### Rule 28

The Committee shall decide on the working languages of its meetings, which in any case shall have simultaneous interpretation in English, French and Spanish.

## **Communication Procedure**

### **Rule 29**

Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure (i.e. documents with a signature - letters, faxes or scanned e-mail attachments). The Secretariat shall communicate the proposal to the members for comments within 60 days of communication; any comments received within these limits shall also be so communicated.

### **Rule 30**

If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

### **Rule 31**

If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.

## **Other functions**

### **Rule 32**

The Committee shall submit to each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting.

### **Rule 33**

The Committee shall receive reports from other Committees established under the Convention.

## **Final Provisions**

### **Rule 34**

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

### **Rule 35**

These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required. The Committee shall, by consensus, establish its own Rules of Procedure.

**Annex II**

**Standing Committee - Rules of Procedure**

Current	Comments	Suggested
<b>General Functions</b>		
<p>Rule 1</p> <p>The Committee provides general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Convention. It also provides guidance and advice on the preparation of agendas and other requirements of the meetings and on any other matters brought to it by the Secretariat in the exercise of its function.</p>	<p>Rules 1-6 and 8-10 are not procedural rules but reflect almost word from word the provisions of Resolution 9.15, which deals with the current roles and composition of the Standing Committee.</p> <p>Given that the Standing Committee has the right to adopt and amend its own rules (Rule 35), including these provisions from the Resolution and calling them Rules might lead to the situation where the ROP and the founding Resolution are not in harmony.</p>	<p>Rules 1-6 and 8-10 should be removed from the main body of the Rules and included in a preambular introduction</p> <p>Current Rules 34 and 35 should be elevated to Rules 1 and 2 in a new opening section entitled "General Provisions".</p>
<p>Rule 2</p> <p>It carries out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary.</p>	<p>The "Final Provisions" (currently Rules 34 and 35) might be better placed here under "General Provisions".</p>	
<p>Rule 3</p> <p>It oversees, between the meetings of the Conference of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat.</p>		

Current	Comments	Suggested
<p>Rule 4</p> <p>It represents the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, UNEP and other international organizations for consideration of matters relating to the Convention and its Secretariat.</p>		
<p>Rule 5</p> <p>It makes recommendations or draft resolutions, as appropriate, for consideration by the Conference of the Parties.</p>	<p>To reflect what happened pre COP10 an explicit reference to the clearance of draft documents and resolutions should be added. A distinction might need to be made between Secretariat-driven, Scientific Council-driven and Party-driven documents or resolutions (only 4 of the COP10 Resolutions emanated from Parties). The Ramsar StC acts as a “clearing house” for Party sponsored draft Resolutions and brokers composite texts where two or more Parties table similar drafts.</p>	<p><u>New Rule 29</u></p> <p>1. Before they can be submitted to the Conference all documents prepared by the Secretariat and the Scientific Council (other than emergency Resolutions) must have the approval of the Standing Committee.</p> <p>2. Proposals submitted by Parties will be reviewed by the Standing Committee to ensure that the possibility of producing a single composite text is explored where, for instance, two Parties put forward different proposals on the same or similar.</p>
<p><b>Representation and Attendance</b></p>		
<p>Rule 6</p> <p>The Committee shall consist of no more than twelve Parties, who shall be nominated by the Conference of the Parties. The membership</p>	<p>This Rule opens by stating that there are 12 members and proceeds to list 15! The number 12 relates to the elected Regional</p>	<p><u>Preamble</u></p> <p>The Committee shall consist of no more than twelve Parties, <b>acting as regional representatives</b>, who shall be nominated by</p>

Current	Comments	Suggested
<p>of the Committee shall consist of three Parties elected from Europe and three from Africa, two from Asia, two from South and Central America and the Caribbean and one each from North America and Oceania, as well as the Depositary Government and, if appropriate, the host Parties of the previous and next meetings of the Conference of the Parties. Furthermore, Alternate Members shall similarly be nominated by the Conference of the Parties to attend meetings of the Committee as the regional member in the absence of the member of the region to which it belongs.</p>	<p>representatives and excludes the Depositary and the next and previous COP host.</p> <p>A footnote has been added to the new provision on special elections in the event of a Party resigning during its term of office.</p> <p>The final sentence adds little or nothing to the first half of the existing Rule 9.</p>	<p>the Conference of the Parties.</p> <p><del>Furthermore, Alternate Members shall similarly be nominated by the Conference of the Parties to attend meetings of the Committee as the regional member in the absence of the member of the region to which it belongs.</del></p>
<p>Rule 7</p> <p>Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. The Representative shall exercise the voting rights of a Member. In his absence, the Alternate Representative shall act in his or her place.</p>	<p>There are two interpretations of what this Rule is meant to mean. 1. That each country on the StC can attend the meeting with two delegates and 2. That the member countries of the StC and also be backed up by their Alternate member countries.</p> <p>The majority view is that the first interpretation is correct, in which case the Rule should be redrafted to avoid the confusion arising from the use of the term "Alternate".</p> <p>It should also make clear:</p>	<p><u>New Rule 3</u></p> <p>Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a principal and an additional representative. The principal representative shall exercise the voting rights of a Member. In his or her absence, the additional representative shall act in his or her place.</p> <p><u>New Rule 4</u></p> <p>Each member of the Standing Committee shall have only one vote.</p>

Current	Comments	Suggested
	<p>(a) that only one delegate per country will be funded</p> <p>(b) that delegations made up of several members only have one vote and that one Party can only have one vote (Norway is a member of the Standing Committee both as a regional representative for Europe and host of the previous COP)</p> <p>(c) whether two delegates are an entitlement or a limit and whether numbers should be restricted if space is limited. (In reality, only Germany often attends with more than two representatives and this would only cause a problem if the room was not large enough.)</p> <p>The Rules are silent on whether the Chair (or Vice-Chair while presiding) may vote or whether another member of the Chair's national delegation may substitute. Compare:</p> <p><i>Ramsar Rule 21.3 "The President and Alternate President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote."</i></p>	<p><u>New Rule 5</u></p> <p>[In the case of eligible countries, only one representative per member will be funded.][In the case of eligible countries, a maximum of one representative per member will be funded.]</p> <p><u>New Rule 6</u></p> <p>[If space allows, further representatives may attend the meeting.][If space is limited, Members might have to be restricted to two representatives at the discretion of the Chair]</p>

Current	Comments	Suggested
<p>Rule 8</p> <p>If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting.</p>		
<p>Rule 9</p> <p>Each meeting of the Conference of the Parties shall elect twelve regional representatives to serve as alternative members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are the alternate member.</p> <p>The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the Conference of the Parties following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.</p>	<p>The two parts of this Rule are unrelated, so at the very least should be made separate rules. However as this text replicates the provisions of the Resolution, the Secretariat's proposal is to move this Rule into the preambular section.</p>	
<p>Rule 10</p> <p>Parties not members of the Committee shall be entitled to be represented at meetings of</p>		

Current	Comments	Suggested
<p>the Committee by an observer who shall have the right to participate but not to vote. The Chairperson of the Scientific Council shall have the right to participate in meetings of the Committee as an observer without the right to vote.</p>		
<p>Rule 11</p> <p>The Chairperson may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote.</p>	<p>The Rules currently contain no provision for closed sessions or the exclusion of non Members, (non-Party) observers, the Secretariat and/or the interpreters.</p> <p>There is also no equivalent to Ramsar Rule 29 on seating arrangements or Rule 31 on the precedence for speaking.</p>	<p><u>New Rule 7</u></p> <p>The Committee may decide to exclude some or all non-Members (or Members with a personal interest in a topic under discussion) from certain sessions of the Meeting</p>
<b>Officers</b>		
<p>Rule 12</p> <p>The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after the meeting of the Conference of the Parties.</p>	<p>This Rule is about Elections and might sit better as the first rule in the next section "Elections". The sections "Officers" and "Elections" could be merged.</p>	
<p>Rule 13</p> <p>The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the</p>	<p>The wording could be tightened to make clear that the Chair represents the <b>collective</b> interest of the Parties</p>	<p>The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat and maintain liaison with other</p>

Current	Comments	Suggested
<p>Secretariat and maintain liaison with other committees and with the Scientific Council between meetings of the Committee. The Chairperson may represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.</p>		<p>committees and with the Scientific Council between meetings of the Committee. The Chairperson may represent the Committee and the Conference of the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.</p>
<p>Rule 14</p> <p>The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson.</p>	<p>This Rule could be interpreted to mean that the VC replaces the Chair if the latter resigns and absents him/herself <b>permanently</b>, but a new Rule could make it clear.</p> <p>The problem in 2007 when the UK resigned was the lack of clear provisions dealing with the lack of explicit provisions for electing a new VC in mid-term.</p>	<p><u>New Rule 16</u></p> <p>In the event of the Chairperson resigning during their term of office, the Vice-Chairperson shall assume the Chair.</p> <p><u>New Rule 17</u></p> <p>In the event of the Vice-Chairperson either having to assume the Chair or resigning during their term, the Members of the Committee shall elect a new Vice-Chairperson from among their number to serve out the remainder of the term.</p>
<p>Rule 15</p> <p>The Secretariat of the Convention shall provide a secretary for meetings of the Committee.</p>		

Current	Comments	Suggested
<p>Rule 16</p> <p>The Committee may establish sub-committees and inter-sessional working groups to progress its business. Elections of officers of, and any votes taken at such sub-committees and working groups should be conducted in accordance with these Rules of Procedure.</p>	<p>The wording could be strengthened by replacing “should” by “shall”</p>	<p>The Committee may establish sub-committees and inter-sessional working groups to progress its business. Elections of officers of, and any votes taken at such sub-committees and working groups shall be conducted in accordance with these Rules of Procedure.</p>
<p><b>Elections</b></p>		
<p>Rule 17</p> <p>If in an election to fill one place no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes.</p> <p>If in the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.</p>	<p>To cover a recurrence of the events in the 2005-8 triennium when the Chair resigned in mid term (the UK), provision is needed for special (by-) elections.</p> <p>A country can (as the UK did) resign from one of the offices but remain on the Committee or a country might resign from the Committee.</p> <p>The assumption is that the Alternate Member will replace the Full Member, creating the need for an election for a new Alternate. Should the Alternate decline, then the election would be for a new Full Member.</p>	<p><u>New Rule 16</u></p> <p>In the event of the Chairperson resigning during their term of office, the Vice-Chairperson shall assume the Chair.</p> <p><u>New Rule 17</u></p> <p>In the event of the Vice-Chairperson either having to assume the Chair or resigning during their term, the Members of the Committee shall elect a new Vice-Chairperson from among their number to serve out the remainder of the term.</p>
<p>Rule 18</p> <p>If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.</p>	<p>Note though that while the StC elects the Chair and VC, it is the COP that elects the regional representatives</p>	<p><u>New Rule 18</u></p> <p>1. In the event of a regional</p>

Current	Comments	Suggested
<p>Rule 19</p> <p>In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the presiding officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 16.</p>		<p>representative resigning from the Committee during its term of office, the Alternate shall be offered the opportunity of becoming the replacement. If the Alternate accepts, the Secretariat shall organize the election of a replacement Alternate from among the Parties of the region concerned to serve the remainder of the term. If the Alternate declines, the Secretariat shall organize the election of a replacement Member from among the parties of the region concerned to serve the remainder of the term.</p> <p>2. In the event of an Alternate resigning during its term of office, the Secretariat shall organize the election of a replacement Alternate from among the parties of the region concerned to serve the remainder of the term.</p>
<b>Meetings</b>		
<p>Rule 20</p> <p>The Committee shall normally meet at least once every year.</p>		

Current	Comments	Suggested
<p>Rule 21</p> <p>Meetings of the Committee shall be called at the request of the Chairperson or at least three members.</p>		
<p>Rule 22</p> <p>The time and place of meetings shall be determined by the Chairperson, in consultation with the Secretariat.</p>		
<p>Rule 23</p> <p>Notice of meetings to all Parties including the time and venue, shall be given by the Secretariat at least 45 days and, in the case of emergency meetings, at least 14 days in advance of the meeting.</p>	<p>The Rules are not clear on setting deadlines for the submission of documents and on prescribing how documents are to be submitted.</p> <p>The COP Rules which apply <i>mutatis mutandis</i> include a 150-day deadline for submission of amendments to the Convention and its Appendices and 60 days for other Documents including Resolutions. The COP ROP include flexibility for emergencies with the phrase “as a general rule”</p>	<p><u>New Rule 28</u></p> <p>As a general rule documents should be communicated at least 60 days before the meeting to Secretariat who shall circulate them to all [Members][Parties] in the working languages of the Convention</p>
<p>Rule 24</p> <p>A quorum for a meeting shall consist of four members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.</p>	<p>It is strange to have an even number as a quorum, especially in the light of the later provisions on tied votes</p>	<p><u>New Rule 23</u></p> <p>A quorum for a meeting shall consist of five members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.</p>

Current	Comments	Suggested
<p>Rule 25</p> <p>Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members.</p>		
<p>Rule 26</p> <p>Decisions of the Committee by voting (pursuant to Rule 24) shall be taken by a simple majority of the members present. In the case of a tie, the motion shall be considered as rejected.</p>	<p>The terminology “present” or “present and voting” makes a difference to the weight of abstentions. It is proposed to amend the wording to “present and voting”.</p>	<p><u>New Rule 25</u></p> <p>Decisions of the Committee <b>by means of a vote</b> (pursuant to Rule 24) shall be taken by a simple majority of the members present <b>and voting</b>. In the case of a tie, the motion shall be considered as rejected.</p>
<p>Rule 27</p> <p>A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties.</p>		
<p>Rule 28</p> <p>The Committee shall decide on the working languages of its meetings, which in any case shall have simultaneous interpretation in English, French and Spanish.</p>		

Current	Comments	Suggested
<b>Communication Procedure</b>		<b>Procedure for Inter-sessional Decision-making</b>
<p>Rule 29</p> <p>Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure (i.e. documents with a signature - letters, faxes or scanned e-mail attachments). The Secretariat shall communicate the proposal to the members for comments within 60 days of communication; any comments received within these limits shall also be so communicated.</p>	<p>Some clarifications are proposed:</p> <p>The 60 days applies to the Members' comments not the communication by the Secretariat – the current wording is unclear</p> <p>StC36, report para 9: “The Chair pointed out some discrepancies in the rules of procedure. /.../; and rule 29 be amended to make clear which forms of communication were acceptable (i.e. documents with a signature - letters, faxes or scanned e-mail attachments). These changes were accepted and the amended rules of procedure adopted.”</p> <p>It is not clear how this procedure is meant to operate. The sixty-day deadline, for example, is inappropriate for preparing a response to an emergency. The Committee members should also have some flexibility in how they respond to a proposal – at one extreme total support and at the other outright rejection (see then New Rule 32) but with various possibilities for amendments – additions, changes and deletions.</p>	<p><u>New Rule 30</u></p> <p>Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure (i.e. by means of documents with a signature - letters, faxes or scanned e-mail attachments). The Secretariat shall communicate the proposal to the members whose comments (which might range from support to objection and could include proposals for amendment) should be submitted to the Secretariat within an appropriate timescale set by the Chairperson but not exceeding 60 days of the proposal being made; any comments received within this limit shall also be so communicated.</p> <p><u>New Rule 31</u></p> <p>If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.</p>

Current	Comments	Suggested
<p>Rule 30</p> <p>If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.</p>		
<p>Rule 31</p> <p>If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.</p>	<p>“Objects” here should be understood as total rejection in principle rather than minor misgivings over wording that can be negotiated</p>	<p><u>New Rule 32</u></p> <p>If any member objects totally to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.</p>
	<p>These provisions seem to apply only to issues which arise inter-sessionally. These provisions should also apply to issues which the StC has discussed but wishes for whatever reasons to defer a decision</p>	<p><u>New Rule 33</u></p> <p>Rules 30 to 32 shall also apply in cases where the Committee is unable to reach a conclusion during the session and chooses to defer a decision.</p>
<p><b>Other functions</b></p>		
<p>Rule 32</p> <p>The Committee shall submit to each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting.</p>		

Current	Comments	Suggested
<p>Rule 33</p> <p>The Committee shall receive reports from other Committees established under the Convention.</p>		
<b>Final provisions</b>		<b>General Provisions</b>
<p>Rule 34</p> <p>In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied <i>mutatis mutandis</i>.</p>	<p>It is suggested that these provision be elevated to the beginning of the rules proper with some minor rewording to the first.</p>	<p><u>New Rule 2</u></p> <p>In matters not covered by the present Rules, the Rules of Procedure as adopted by the <b>preceding ordinary</b> meeting of the Conference of the Parties shall be applied <i>mutatis mutandis</i>.</p> <p><u>New Rule 1</u></p> <p>These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required. The Committee shall, by consensus, establish its own Rules of Procedure.</p>
<p>Rule 35</p> <p>These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required. The Committee shall, by consensus, establish its own Rules of Procedure.</p>		

## ANNEX III

### DRAFT RULES OF PROCEDURE (2012)

#### Preamble

As set out in the provisions of Resolution 9.15 adopted at the COP in Rome in 2008, the role and composition of the Standing Committee are as follows:

- The Committee provides general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Convention. It also provides guidance and advice on the preparation of agendas and other requirements of the meetings, and on any other matters brought to it by the Secretariat in the exercise of its function. [Old Rule 1]
- It carries out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary. [Old Rule 2]
- It oversees, between the meetings of the Conference of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat. [Old Rule 3]
- It represents the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, UNEP and other international organizations for consideration of matters relating to the Convention and its Secretariat. [Old Rule 4]
- It makes recommendations or draft resolutions, as appropriate, for consideration by the Conference of the Parties.<sup>1</sup> [Old Rule 5]
- The Committee shall consist of no more than twelve Parties acting as Regional Representatives, who shall be nominated by the Conference of the Parties. The membership of the Committee shall consist of three Parties elected from Europe and three from Africa, two from Asia, two from South and Central America and the Caribbean and one each from North America and Oceania<sup>2</sup>. In addition, the Depositary Government and, if appropriate, the host Parties of the previous and next meetings of the Conference of the Parties shall serve on the Committee. [Old Rule 6 – amended and shortened]
- If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting.[Old Rule 8]

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<sup>1</sup> This function might be elaborated in the Rules of Procedure to reflect the practice adopted in the run-up to COP10 when a StC Working Group was established to review draft documentation – see Rule 29

<sup>2</sup> New provisions for special elections held in mid session are proposed in the revised Rules – see Rule 18

- Each meeting of the Conference of the Parties shall elect twelve regional representatives to serve as alternative members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are the alternate member. [Old Rule 9 (part 1) - amended]
- The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the Conference of the Parties following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office. [Old Rule 9 (part 2)]
- Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote. The Chairperson of the Scientific Council shall have the right to participate in meetings of the Committee as an observer without the right to vote. [Old Rule 10]
- The Chairperson may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote. [Old Rule 11]

## **RULES OF PROCEDURE**

### **General Provisions** [amended heading title]

#### Rule 1

These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required. The Committee shall, by consensus, establish its own Rules of Procedure. [Old Rule 35]

#### Rule 2

In matters not covered by the present Rules, the Rules of Procedure as adopted by the preceding ordinary meeting of the Conference of the Parties shall be applied *mutatis mutandis*. [Old Rule 34]

### **Representation and Attendance**

#### Rule 3

Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a principal and an additional representative. The principal representative shall exercise the voting rights of a Member. In his or her absence, the additional representative shall act in his or her place. [Old Rule 7 - amended]

#### Rule 4

Each member of the Standing Committee shall have only one vote. [new]

### Rule 5

In the case of eligible countries, a maximum of one representative per member will be funded. [New]

### Rule 6

[If space allows, further representatives may attend the meeting.] [If space is limited, Members might have to be restricted to two representatives at the discretion of the Chair] [New]

### Rule 7

The Committee may decide to exclude some or all non-Members (or Members with a personal interest in a topic under discussion) from certain sessions of the Meeting. [New]

## **Officers and Election of Officers**

### Rule 8

The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after the meeting of the Conference of the Parties. But see Rules 16 and 17 below. [Old Rule 12 - amended]

### Rule 9

The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat and maintain liaison with other committees and with the Scientific Council between meetings of the Committee. The Chairperson may represent the Committee and the Conference of the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee. [Old Rule 13 - amended]

### Rule 10

The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson. [Old Rule 14]

### Rule 11

The Secretariat of the Convention shall provide a secretary for meetings of the Committee. [Old Rule 15]

### Rule 12

The Committee may establish sub-committees and inter-sessional working groups to progress its business. Elections of officers of and any votes taken at such sub-

committees and working groups should be conducted in accordance with these Rules of Procedure. [Old Rule 16]

### Rule 13

1. If in an election to fill one place no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes.
2. If in the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots. [Old Rule 17]

### Rule 14

If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two. [Old Rule 18]

### Rule 15

In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the presiding officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with Rule 14. [Old Rule 19 - amended]

### Rule 16

In the event of the Chairperson resigning during their term of office, the Vice-Chairperson shall assume the Chair. [New]

### Rule 17

In the event of the Vice-Chairperson either having to assume the Chair or resigning during their term, the Members of the Committee shall elect a new Vice-Chairperson from among their number to serve out the remainder of the term. [New]

### Rule 18

1. In the event of a regional representative resigning from the Committee during its term of office, the Alternate shall be offered the opportunity of becoming the replacement. If the Alternate accepts, the Secretariat shall organize the election of a replacement Alternate from among the Parties of the region concerned to serve the remainder of the term. If the Alternate declines, the Secretariat shall organize the election of a replacement Member from among the parties of the region concerned to serve the remainder of the term.

2. In the event of an Alternate resigning during its term of office, the Secretariat shall organize the election of a replacement Alternate from among the parties of the region concerned to serve the remainder of the term [New]

## **Meetings**

### Rule 19

The Committee shall normally meet at least once every year. [Old Rule 20]

### Rule 20

Meetings of the Committee shall be called at the request of the Chairperson or at least three members. [Old Rule 21]

### Rule 21

The time and place of meetings shall be determined by the Chairperson, in consultation with the Secretariat. [Old Rule 22]

### Rule 22

Notice of meetings to all Parties including the time and venue, shall be given by the Secretariat at least 45 days and, in the case of emergency meetings, at least 14 days in advance of the meeting. [Old Rule 23]

### Rule 23

A quorum for a meeting shall consist of five members of the Committee. No decision shall be taken at a meeting in the absence of a quorum. [Old Rule 24 - amended]

### Rule 24

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members. [Old Rule 25]

### Rule 25

Decisions of the Committee by means of a vote (pursuant to Rule 24) shall be taken by a simple majority of the members present and voting. In the case of a tie, the motion shall be considered as rejected. [Old Rule 26 - amended]

### Rule 26

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties. [Old Rule 27]

### Rule 27

The Committee shall decide on the working languages of its meetings, which in any case shall have simultaneous interpretation in English, French and Spanish. [Old Rule 28]

#### Rule 28

As a general rule documents should be communicated at least 60 days before the meeting to Secretariat who shall circulate them to all [Members][Parties] in the working languages of the Convention. [New]

#### Rule 29

1. Before they can be submitted to the Conference all documents prepared by the Secretariat and the Scientific Council (other than emergency Resolutions) must have the approval of the Standing Committee.
2. Proposals submitted by Parties will be reviewed by the Standing Committee to ensure that the possibility of producing a single composite text is explored where, for instance, two Parties put forward different proposals on the same or similar. [New]

#### **Procedure for Decision Making between Meetings** [amended heading title]

#### Rule 30

Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure (i.e. by means of documents with a signature - letters, faxes or scanned e-mail attachments). The Secretariat shall communicate the proposal to the members whose comments (which might range from support to outright objection and could include proposals for amendment) should be submitted to the Secretariat within an appropriate timescale. The timescale shall be set by the Chairperson but should not exceed 60 days of the proposal being made; any comments received within this limit shall also be so communicated. [Old Rule 29 - amended]

#### Rule 31

If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members. [Old Rule 30]

#### Rule 32

If any member objects totally to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee. [Old Rule 31 - amended]

#### Rule 33

Rules 30 to 32 shall also apply in cases where the Committee is unable to reach a conclusion during the session and chooses to defer a decision. [New]

### **Other functions**

#### Rule 34

The Committee shall submit to each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting. [Old Rule 32]

#### Rule 35

The Committee shall receive reports from other Committees established under the Convention. [Old Rule 33]